

REMARKS

Status Of Application

Claims 1-20 are pending in the application; the status of the claims is as follows:

Claims 1-3, 6-8, 11-13, and 16-18 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,552,813 B2 to Yacoub ("Yacoub").

Claims 4, 9, 14, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yacoub as applied to claim 1 above, and in view of Japanese Publication Application No. 10-301737 (A) to Hirofumi Nishikawa et al. ("Hirofumi").

Claims 5, 10, 15, and 20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yacoub as applied to claim 1 above, and in view of U.S. Patent No. 6,424,425 B1 to Otsuka ("Otsuka").

To date, no Notice of Draftsperson's Patent Drawing Review has been received. Applicant respectfully requests receipt of this document when it becomes available. Please note that the original drawings filed in the patent application are "formal" drawings.

Interview With the Examiner

The Applicant's representative wishes to thank the Examiner for the courtesy of granting the Examiner Interview held on August 31, 2004. During the interview the meaning of the term "correcting" as used in the phrase "correcting print data" found in claim 1 was discussed. The result of this interview was that the Examiner better understood how the term "correcting" was used. However, the Examiner requested a written response regarding "correcting" and support from the specification regarding use of this term to confirm his understanding.

Current claim 1 corresponds to original claim 1, as it has not been amended during the course of the prosecution of this patent. Therefore, the term "correcting" finds support as part of the original application. In addition, the OBJECT AND SUMMARY section of the application, as found starting on page 2, line 6 and continuing through page 4, line 15, discloses that print data is corrected to ensure uniform print quality, regardless of the printer used. In the DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS section, several embodiments of this correcting of print data are disclosed. In the first embodiment, this correcting of print data is described as employing a color conversion unit, as disclosed beginning on page 10, line 6 and continuing through page 12, line 4. In this first embodiment, the original print data in Y, M, C, K format for a first printer is converted to L*, a*, b* format. This L*, a*, b* format print data is then converted to Y, M, C, K format for a second printer. For example, as noted on page 10, lines 23-27, the print data (Y, M, C, K) for the first printer could correspond to (50, 50, 50, 50), while to achieve the same printed (i.e., observed) color on the second printer, the print data (Y, M, C, K) would correspond to (50, 48, 50, 52). Note that this example is for a single pixel of an image. The entire correcting of print data process would include correcting each pixel in an image, which could easily be many thousands of pixels. The net result is that the two print data format conversion steps correct the print data such that a single image printed on different printers having different print characteristics appears identical. A second embodiment is disclosed beginning on page 12, line 5 and continues through page 14, line 16. In the second embodiment, the original RGB data is converted into RGB digital data and from there into Y, M, C, K data. The result again is that printed images will be identical regardless of which printer is employed. Lastly, while the above embodiments refer to color print data, the print data correction process applies equally well to black and white images by correcting print data through the use of darkness curves (i.e., γ characteristics) as disclosed on page 14, lines 17-26. It should be noted that while the first and second printers may be identical, the color produced by the printers changes over time, such as due to ink degradation. Therefore, simply selecting an identical printer will not assure one that the printed images will be identical.

35 U.S.C. § 102(e) Rejection

The rejection of claims 1-3, 6-8, 11-13, and 16-18 under 35 U.S.C. § 102(e) as being anticipated by Yacoub, is respectfully traversed based on the following.

Claim 1 includes the limitation of:

a substitution controller for correcting print data, that was to have been printed out by the printer in which the problem is detected by said detector, to ensure that quality of the images printed by the selected substitute printer is the same as that of the images printed by the printer in which the problem is detected...

This limitation reflects the object of the invention that a document looks the same regardless of which printer is used. As the output of printers varies (e.g., red from one printer appears pink or burgundy when the same print data is printed by another printer), the print data must be corrected to ensure uniformity of printing from each printer. This correcting of print data is discussed in detail above, along with support from the specification.

In stark contrast, Yacoub merely reroutes a print job from one printer to another. The Office Action indicates several portions of Yacoub as support for correcting print data. The first cited section, column 2, lines 8-30, discloses that if an error is encountered with the first printer, the print job will be sent to a different printer complying with the print preferences such as "image quality and/or speed..." This section of Yacoub thus does not disclose correcting of print data as found in claim 1. The second cited section, column 4, lines 2-67, again discloses the use of a "print quality" preference and describes this as measured in dots-per-inch, see column 4, lines 20-22. Additional disclosed print job preferences include speed, black and white or color, paper type, paper size, and dithering. As with the first cited section, a printer is selected based upon having these desired characteristics, no correcting of print data is undertaken to ensure that a low speed,

high dot-per-inch color image printed on bright white, 8.5" x 11" paper from one printer would appear identical to the same image printed on another printer with the same print job preferences. The only changes that Yacoub appears to make are related to the header designating which printer should print the print job, there is no disclosure of correcting print data. Because Yacoub does not disclose correcting print data, a limitation of claim 1, Yacoub cannot anticipate claim 1.

Claims 2 and 3 depend from claim 1. As Yacoub fails to anticipate claim 1, Yacoub cannot anticipate claims 2 and 3 for at least the same reasons.

Method claims 6 and 11 include a step of correcting print data to ensure that the quality of the images printed by the selected substitute printer is the same as that of the images printed by the original printer. As discussed above, Yacoub does not disclose correcting print data, but rather merely rerouting print data to a printer having the same print job preferences. Because Yacoub does not disclose correcting print data, a limitation in both claims 6 and 11, Yacoub cannot anticipate claims 6 and 11.

Claims 7 and 8 depend from claim 6. As Yacoub fails to anticipate claim 6, Yacoub cannot anticipate claims 7 and 8 for at least the same reasons. Claims 12 and 13 depend from claim 11. As Yacoub fails to anticipate claim 11, Yacoub cannot anticipate claims 12 and 13 for at least the same reasons.

Claim 16 includes a limitation of a controller for correcting print data to ensure uniform print quality regardless of the printer. As discussed above, Yacoub does not disclose correcting print data, but rather merely rerouting print data to a printer having the same print job preferences. Because Yacoub does not disclose correcting print data, a limitation in claim 16, Yacoub cannot anticipate claim 16.

Claims 17 and 18 depend from claim 16. As Yacoub fails to anticipate claim 16, Yacoub cannot anticipate claims 17 and 18 for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 1-3, 6-8, 11-13, and 16-18 under 35 U.S.C. § 102(e) as being anticipated by Yacoub, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejections

The rejection of claims 4, 9, 14, and 19 under 35 U.S.C. § 103(a), as being unpatentable over Yacoub as applied to claim 1 above, and in view of Hirofumi, is respectfully traversed based on the following.

Claim 4 depends from claim 1. As claim 1 is unanticipated by Yacoub, claim 4 is unanticipated by Yacoub for at least the same reasons. Combining Hirofumi with Yacoub fails to render claim 1 obvious. Hirofumi discloses changing the setting information of a print job when it is moved from one printer to another, *see* paragraph [0008]. In paragraph [0015], setting information includes paper, a feeding-and-discarding paper tray, both sides, and the number of copies. Hirofumi appears to update this setting information when a print job does not complete on a first printer. For example, in the SOLUTION portion of the Abstract, it appears Hirofumi will update the setting information for the substitute printer so that if 10 copies are desired and 5 copies are printed on a first printer before an error occurs, only 5 additional copies are printed on a second printer. As Hirofumi only discloses changing setting information, this does not correspond to correcting print data as found in claim 1. Because Hirofumi does not disclose correcting print data, its combination with Yacoub fails to render obvious the invention of claim 1. As claim 4 depends from nonobvious claim 1, claim 4 is nonobvious over the combination of Yacoub and Hirofumi for at least the same reasons.

For the same reasons just discussed, the combination of Yacoub and Hirofumi fails to render obvious the inventions of claims 6, 11, and 16. As claims 9, 14, and 19 depend from nonobvious claims 6, 11, and 16, respectively, claims 9, 14, and 19 are nonobvious over the combination of Yacoub and Hirofumi for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 4, 9, 14, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Yacoub as applied to claim 1 above, and in view of Hirofumi, be reconsidered and withdrawn.

The rejection of claims 5, 10, 15, and 20 under 35 U.S.C. § 103(a), as being unpatentable over Yacoub as applied to claim 1 above, and in view of Otsuka, is respectfully traversed based on the following.

Claim 5 depends from claim 1. As claim 1 is unanticipated by Yacoub, claim 5 is unanticipated by Yacoub for at least the same reasons. Combining Otsuka with Yacoub fails to render claim 1 obvious. Otsuka discloses different means for transmitting data (public switched network or the Internet) along with the use of a multifunction printer. However, Otsuka does not disclose correcting print data such that printed images will be of the same quality regardless of the printer. Because Otsuka does not disclose correcting print data, its combination with Yacoub fails to render obvious the invention of claim 1. As claim 5 depends from nonobvious claim 1, claim 5 is nonobvious over the combination of Yacoub and Otsuka for at least the same reasons.

For the same reasons just discussed, the combination of Yacoub and Otsuka fails to render obvious the inventions of claim 6, 11, and 16. As claims 10, 15, and 20 depend from nonobvious claims 6, 11, and 16, respectively, claims 10, 15, and 20 are nonobvious over the combination of Yacoub and Otsuka for at least the same reasons.

Accordingly, it is respectfully requested that the rejection of claims 5, 10, 15, and 20 under 35 U.S.C. § 103(a) as being unpatentable over Yacoub as applied to claim 1 above, and in view of Otsuka, be reconsidered and withdrawn.

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CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

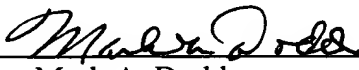
If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee,

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Respectfully submitted,

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September 30, 2004

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